EXHIBIT A

Filed
3/18/2016 3:21:27 PM
Annie Rebecca Elliott
District Clerk
Fort Bend County, Texas
Ashley Alaniz

ANNIE REBECCA ELLIOTT
Fort Bend County District Clerk
301 Jackson, Richmond, TX 77469

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:
Cause No. 16-DCV-230901 Date 03/18/2016
Style:
Nawaid Isa, individually and as next friend of Rayyan Nawaid Isa, a minor
VS
Academy Sports + Outdoors, Spalding, Fruit of the Loom Inc., American Atheletic, Inc., and Russell Brands LLC.

Section 2:
Check Process Type:

- [x] Citation
- [ ] Precept to Serve / Notice of Hearing
- [ ] Temporary Restraining Order
- [ ] Application for Protective Order / Temporary (Ex Parte) Protective Order
- [ ] Notice of Registration of Foreign Judgment
- [ ] Citation by Posting
- [ ] Writ of ____
- [ ] Other ____
- [ ] Citation by Publication* - Newspaper: ____

* (All publications are sent to: Fort Bend Independent, P.O. Box 623, (12551 Emily Court) • Sugar Land, Texas 77487)
* **(Unless another newspaper is specified** – FBC Constable will only serve within their jurisdiction.)

APPLICATION FOR ISSUANCE OF SUBPOENA MUST BE SUBMITTED ON A SEPARATE FORM

Section 3:
Title of Document/Pleading to be attached for service: Nawaid Isa, individually and as next friend of Rayyan Nawaid Isa vs. Academy Sports + Outdoors, a/k/a Academy Ltd., Spalding, Fruit of the Loom, Inc., American Atheletic, Inc., and Russel Brands, LLC

Note: You must furnish *one copy* of the document/pleading for *each* party served.

Section 4: PARTIES TO BE SERVED (Please type or print):

1. Name: Academy Sports + Outdoors a/k/a Academy Ltd., by serving Mr. M. Wade Turner
   Address: 1800 North Mason Rd.
   City: Katy State: TX Zip: 77449
2. Name: Fruit of the Loom, Inc., by serving the Honorable Secretory of State of Texas
   Address: One Fruit of the Loom Drive
   City: Bowling Green State: KY Zip: 42103

3. Name: Spalding, by serving the Honorable Secretary of State of Texas

Address: One Fruit of the Loom Drive

City: Bowling Green State: KY Zip: 42103

4. Name: American Atheletic, Inc., by serving the Honorable Secretory of State of Texas

Address: 200 America Avenue

City: Jefferson State: IA Zip: 50129

5. Name: Russel Brands, LLC, by serving the Honorable Secretory of State of Texas

Address: One Fruit of the Loom Drive

City: Bowling Green State: KY Zip: 42103

Section 5

Check Service Type:

- [x] No Service
- [ ] Sheriff
- [ ] Constable Pct.______
- [ ] Out of State
- [ ] Certified Mail
- [ ] Secretary of State
- [ ] Commissioner of Insurance
- [ ] Out of County
- [ ] Private Process
- [ ] Registered Mail (Out of Country)

Section 6 (ONLY if Section 7 does not apply)

Attorney Name: __________

Address: __________
Street/P.O. Box

City ______ State ______ Zip ______

Attorney's Telephone No. ________ Attorney's Bar No. ________

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: Nawaid Isa

Address: 17311 Endel Way
Street/P.O. Box

Richmond (City) TX (State) 77407 (Zip)

Telephone No. 832-443-3340

Section 8

Check Delivery Type:

- [ ] Hold for pick up
- [ ] Mail to Attorney
- [x] Mail to Pro-Se Party

I, Annie Rebecca Elliott, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.
This 8 day of July 20 16

DISTRICT COURT ★ FORT BEND COUNTY TEXAS

ANNIE REBECCA ELLIOTT, DISTRICT CLERK

By ______ Deputy

Senobio "Sonny" Garcia

The State of Texas

Legal Department
JUN 27 2016
Received

Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

June 21, 2016

Fruit of the Loom, Inc.
One Fruit of the Loom Drive
Bowling Green, KY 42103

2016-267278-2
Include reference number in all correspondence

RE: Nawaid Isa, et al VS Academy Sports & Outdoors a/k/a Academy, Ltd., et al
400th District Court of Fort Bend County, Texas
Cause No: 16DCV230901

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on June 17, 2016.

CERTIFIED MAIL #71901046470100623827

Refer correspondence to:

Nawaid Isa
17311 Endel Way
Richmond, TX 77407

Sincerely,

Venita Okpegbue

Venita Okpegbue
Team Leader, Service of Process
GF/mr
Enclosure

Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

7190 1046 4701 0062 3827

Return Receipt (Electronic)

2016267278-2

Fruit of the Loom, Inc.
One Fruit of the Loom Drive
Bowling Green, KY 42103

CUT / FOLD HERE

SERVICE FEE NOT COLLECTED BY DISTRICT CLERK

Legal Department
JUN 27 2016
Received

THE STATE OF TEXAS

CITATION

TO: **FRUIT OF THE LOOM, INC**
WHO MAY BE SERVED BY SERVING TEXAS SECRETARY OF STATE AT:
1019 BRAZOS STREET
AUSTIN TEXAS 78701
WHO WILL THEN FORWARD A COPY TO THE DEFENDANT AT:
ONE FRUIT OF THE LOOM DRIVE
BOWLING GREEN KY 42103

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **; PLAINTIFFS' ORIGINAL PETITION** filed on **; March 18, 2016**, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 301 Jackson, Richmond, Texas 77469, or by bringing it to the office. Our street address is 1422 Eugene Heimann Circle, Richmond TX 77469. We are located on the first floor of the Courthouse building.

The case is presently pending before the **400TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas, and was originally filed on **March 18, 2016**. It bears cause number **16-DCV-230901** and is styled:

NAWAID ISA, INDIVIDUALLY AND AS NEXT FRIEND OF RAYYAN NAWAID ISA, A MINOR VS ACADEMY SPORTS AND OUTDOORS A/K/A ACADEMY, LTD., SPALDING, FRUIT OF THE LOOM, INC., RUSSEL BRANDS, LLC., AND AMERICAN ATHLETIC INC.

The name and address of the attorney for **PLAINTIFF** is:

NAWAID ISA
PRO-SE
17311 ENDEL WAY
RICHMOND, TX. 77407
832-443-3340

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **; PLAINTIFFS' ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 24th day of March, 2016.**

DISTRICT CLERK ANNIE REBECCA ELLIOTT
Fort Bend County, Texas

By:______________________
Deputy District Clerk Leslie Melgar
Telephone: (281) 341-3787

DISTRICT COURT OF * TEXAS * FORT BEND COUNTY

RECEIVED
SECRETARY OF STATE
JUN 17 2016
Service of Process

SERVICE

DEFENDANT

267278 -2

16-DCV-230901 400th Judicial District Court
Nawaid Isa, Individually and as next friend of Rayyan Nawaid Isa, a minor vs Academy Sports and Outdoors a/k/a Academy, Ltd., Spalding, Fruit of the Loom, Inc, Russel Brands, LLC., and American Athletic Inc

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _________ day of ____________________, 20__, at _____ o'clock ___M.

Executed at ____, within the County of __ ____, at ____o'clock ___M* on the ________ day of _ _________________________, 20__, by delivering to the within named __________________________ ____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ___ citation at $80.00 each $__________________

____
Name of Officer or Authorized Person

_________________________________County, Texas

By:____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.
In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is ____,
(First, Middle, Last)

my date of birth is____________________, and my address is _____________________________________
(Street, City, Zip)

____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in ______________________________ County, State of __________________________, on the

day of __________________________________.

____
Declarant / Authorized Process Server

____
(Id # & expiration of certification)

SERVICE

Citation (Other) issued to Fruit of the Loom, Inc on 3/24/2016.

Legal Department
JUN 27 2016
Received

The State of Texas

Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

June 21, 2016

Russel Brands, LLC
One Fruit of the Loom Drive
Bowling Green, KY 42103

2016-267278-3
Include reference number in all correspondence

RE: Nawaid Isa, et al VS Academy Sports & Outdoors a/k/a Academy, Ltd., et al
400th District Court of Fort Bend County, Texas
Cause No: 16DCV230901

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on June 17, 2016.

CERTIFIED MAIL #71901046470100623834

Refer correspondence to:

Nawaid Isa
17311 Endel Way
Richmond, TX 77407

Sincerely,

Venita Okpegbue

Venita Okpegbue
Team Leader, Service of Process
GF/mr
Enclosure

Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

7190 1046 4701 0062 3834

Legal Department
JUN 27 2016
Received

Return Receipt (Electronic)

2016267278-3

Russel Brands, LLC
One Fruit of the Loom Drive
Bowling Green, KY 42103

CUT / FOLD HERE

SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK

Legal Department
JUN 27 2016
Received

THE STATE OF TEXAS

CITATION

TO: **RUSSEL BRANDS, LLC.**
WHO MAY BE SERVED BY SERVING TEXAS SECRETARY OF STATE AT:
1019 BRAZOS STREET
AUSTIN TEXAS 78701
WHO WILL THEN FORWARD A COPY TO THE DEFENDANT AT:
ONE FRUIT OF THE LOOM DRIVE
BOWLING GREEN KY 42103

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **; PLAINTIFFS' ORIGINAL PETITION** filed on **; March 18, 2016**, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 301 Jackson, Richmond, Texas 77469, or by bringing it to the office. Our street address is 1422 Eugene Heimann Circle, Richmond TX 77469. We are located on the first floor of the Courthouse building.

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NAWAID ISA, INDIVIDUALLY AND AS NEXT FRIEND OF RAYYAN NAWAID ISA, A MINOR VS ACADEMY SPORTS AND OUTDOORS A/K/A ACADEMY, LTD., SPALDING, FRUIT OF THE LOOM, INC., RUSSEL BRANDS, LLC., AND AMERICAN ATHLETIC INC.

The name and address of the attorney for **PLAINTIFF** is:

NAWAID ISA
PRO-SE
17311 ENDEL WAY
RICHMOND, TX. 77407
832-443-3340

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **; PLAINTIFFS' ORIGINAL PETITION** accompanying this citation and made a part hereof.

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DISTRICT CLERK ANNIE REBECCA ELLIOTT
Fort Bend County, Texas

By:______________________________
Deputy District Clerk Leslie Melgar
Telephone: (281) 341-3787

DISTRICT COURT OF FORT BEND COUNTY, TEXAS

RECEIVED
SECRETARY OF STATE
JUN 17 2016
Service of Process

SERVICE

267278 -3

DEFENDANT

16-DCV-230901 400th Judicial District Court
Nawaid Isa, Individually and as next friend of Rayyan Nawaid Isa, a minor vs Academy Sports and Outdoors a/k/a Academy, Ltd., Spalding, Fruit of the Loom, Inc, Russel Brands, LLC., and American Athletic Inc

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _________ day of ____________________, 20__, at _____ o'clock ___M. Executed at ____, within the County of ___ ____, at ____o'clock ___M* on the ________ day of _ __________________________, 20__, by delivering to the within named __________________________ ____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ___ citation at $80.00 each $__________________

____
Name of Officer or Authorized Person

_________________________________County, Texas

By:____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.
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"My name is ____,
(First, Middle, Last)

my date of birth is____________________, and my address is ______________________________________
(Street, City, Zip)

____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in ______________________________ County, State of ___________________________, on the

day of __________________________________.

____
Declarant / Authorized Process Server

____
(Id # & expiration of certification)

SERVICE

Citation (Other) issued to Russel Brands, LLC. on 3/24/2016.

Legal Department
JUN 27 2016
Received

The State of Texas

Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

June 21, 2016

Spalding
One Fruit of the Loom Drive
Bowling Green, KY 42103

2016-267278-4
Include reference number in all correspondence

RE: Nawaid Isa, et al VS Academy Sports & Outdoors a/k/a Academy, Ltd., et al
400th District Court of Fort Bend County, Texas
Cause No: 16DCV230901

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on June 17, 2016.

CERTIFIED MAIL #71901046470100623841

Refer correspondence to:

Nawaid Isa
17311 Endel Way
Richmond, TX 77407

Sincerely,

Venita Okpegbue

Venita Okpegbue
Team Leader, Service of Process
GF/mr
Enclosure

Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

7190 1046 4701 0062 3841

Legal Department
JUN 27 2016
Received

Return Receipt (Electronic)

2016267278-4

Spalding
One Fruit of the Loom Drive
Bowling Green, KY 42103

CUT / FOLD HERE

SERVICE FEE NOT COLLECTED BY DISTRICT CLERK

Legal Department
JUN 27 2016
Received

THE STATE OF TEXAS

CITATION

TO: **SPALDING**
WHO MAY BE SERVED BY SERVING TEXAS SECRETARY OF STATE AT:
1019 BRAZOS STREET
AUSTIN TEXAS 78701
WHO WILL THEN FORWARD A COPY TO THE DEFENDANT AT:
ONE FRUIT OF THE LOOM DRIVE
BOWLING GREEN KY 42103

NOTICE:

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The name and address of the attorney for **PLAINTIFF** is:

NAWAID ISA
PRO-SE
17311 ENDEL WAY
RICHMOND, TX. 77407
832-443-3340

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **; PLAINTIFFS' ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 24th day of March, 2016**.

DISTRICT CLERK ANNIE REBECCA ELLIOTT
Fort Bend County, Texas

By:______________________
Deputy District Clerk Leslie Melgar
Telephone: (281) 341-3787

DISTRICT COURT OF FORT BEND COUNTY, TEXAS

RECEIVED SECRETARY OF STATE
JUN 17 2016

RECEIVED SECRETARY OF STATE
JUN 17 2016
Service of Process

SERVICE

267278

DEFENDANT

16-DCV-230901 400th Judicial District Court
Nawaid Isa, Individually and as next friend of Rayyan Nawaid Isa, a minor vs Academy Sports and Outdoors a/k/a Academy, Ltd., Spalding, Fruit of the Loom, Inc, Russel Brands, LLC., and American Athletic Inc

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ___________________, 20__, at _____ o'clock ___M.
Executed at ____, within the County of ___
____, at ____o'clock ___M* on the ________ day of _
_________________________, 20__, by delivering to the within named _________________________
____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ___ citation at $80.00 each $_________________

____
Name of Officer or Authorized Person

_________________________________ County, Texas

By:____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.
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(First, Middle, Last)

my date of birth is______________________, and my address is _____________________________________
(Street, City, Zip)

____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in ______________________________ County, State of ____________________________, on the

day of ________________________________.

____
Declarant / Authorized Process Server

____
(Id # & expiration of certification)

SERVICE

Citation (Other) issued to Spalding on 3/24/2016.

Filed
3/18/2016 11:50:47 AM
Annie Rebecca Elliott
District Clerk
Fort Bend County, Texas
Layla Helton

Legal Department
JUN 27 2016
Received

COPY

Cause No. 16-DCV-230901

NAWAID ISA, individually and as next friend of RAYYAN NAWAID ISA, a minor	§	IN THE DISTRICT COURT OF
VS.	§	
ACADEMY SPORTS + OUTDOORS a/k/a ACADEMY, LTD., SPALDING, FRUIT OF THE LOOM, INC., RUSSELL BRANDS, LLC and AMERICAN ATHLETIC, INC.	§	FORT BEND COUNTY, TEXAS Fort Bend County - 400th Judicial District Court ______JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE DISTRICT COURT JUDGE:

Plaintiffs, NAWAID ISA individually and as next friend of minor, RAYYAN NAWAID ISA respectfully files this original petition complaining of Defendants, ACADEMY SPORTS + OUTDOORS /a/k/a ACADEMY LTD., SPALDING, FRUIT OF THE LOOM INC., RUSSELL BRANDS LLC, and AMERICAN ATHLETIC, INC. (collectively referred to as "Defendants"), and for cause of action shows:

I. PARTIES

1.1 Plaintiffs are residents of Fort Bend County, Texas.

1.2 ACADEMY SPORTS + OUTDOORS a/k/a ACADEMY LTD., Defendant Is a corporation duly formed and existing under the laws of State of Texas and may be served by serving its agent M. Wade Turner at 1800 North Mason Rd. Katy TX 77449.

1.3 FRUIT OF THE LOOM, INC., Defendant, is a foreign corporation organized and existing under the laws of State of Delaware, whose home office is located at One Fruit of the Loom Drive Bowling Green, Warren County, Kentucky 42103, maybe served with process pursuant to Texas Civil Practice & Remedies Code Section 17.004(b) and 17.045 by serving the Texas

Secretory of State at 1019 Brazos Street, Austin Texas 78701, as its agent for service because defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suite arose from defendant's business in Texas.

1.4 RUSSEL BRANDS, LLC., Defendant, is a foreign corporation organized and existing under the laws of State of Delaware, whose home office is located at One Fruit of the Loom Drive Bowling Green, Warren County, Kentucky 42103, maybe served with process pursuant to Texas Civil Practice & Remedies Code Section 17.004(b) and 17.045 by serving the Texas Secretory of State at 1019 Brazos Street, Austin Texas 78701, as its agent for service because defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suite arose from defendant's business in Texas.

1.5 SPALDING, Defendant, is a foreign corporation organized and existing under the laws of State of Delaware, whose home office is located at One Fruit of the Loom Drive Bowling Green, Warren County, Kentucky 42103, maybe served with process pursuant to Texas Civil Practice & Remedies Code Section 17.004(b) and 17.045 by serving the Texas Secretory of State at 1019 Brazos Street, Austin Texas 78701, as its agent for service because defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suite arose from defendant's business in Texas.

1.6 AMERICAN ATHLETIC INC., Defendant, is a foreign corporation organized and existing under the laws of State of Delaware, whose home office is located at 200 American Avenue, Jefferson, Greene County, Iowa 50129, maybe served with process pursuant to Texas Civil Practice & Remedies Code Section 17.004(b) and 17.045 by serving the Texas Secretory of State at 1019 Brazos Street, Austin Texas 78701, as its agent for service because defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suite arose from defendant's business in Texas.

II. DEFENDANTS' RELATIONSHIP TO INCIDENT

2.1 Defendant, ACADEMY, was, at the time of this occurrence, and is now engaged in the business of selling sports equipment at retail to members of the general public, including the Spalding basketball system that resulted in injuries to plaintiff.

2.2 Defendant, FRUIT OF THE LOOM, INC. was, at the time of this occurrence, and is now engaged in the business of designing, manufacturing and packaging certain products, including the portable basketball goal system, for sale to and for use by members of the general public. Defendant placed the basketball goal into the stream of commerce by selling the product to Academy.

2.3 Defendant, SPALDING, was, at the time of this occurrence, and is now owned by Defendant, FRUIT OF THE LOOM, INC., and is engaged in the business of designing, manufacturing, and packaging certain products, including the basketball goal, for sale to and for use by members of the general public. Defendant placed the basketball goal into the stream of commerce by selling the product to Academy

2.4 Defendant, RUSSELL BRANDS, LLC, Was, at the time of this occurrence, and is now engaged in the business of designing, manufacturing, and packaging certain products, including the basketball system, for sale to and for use by members of the general public. Defendant placed the portable basketball system into the stream of commerce by selling the product to Academy.

2.5 Defendant, AMERICAN ATHLETIC, INC., was, at the time of this occurrence, and is now engaged in the business of designing, manufacturing, and packaging certain products, including the basketball goal, for sale to and for use by members Of the general public. Defendant placed the basketball system into the stream of commerce by selling the product to Academy.

III. DISCOVERY LEVEL

3.1 Plaintiff requests that discovery be conducted under level 3 in accordance with Rule 190.4 of Texas Rules of Civil Procedures.

IV. JURISDICTION

4.1 This court has jurisdiction over Defendants because Defendants committed a tort in Texas. In addition the damages for which plaintiffs bring the suite exceeds the minimum jurisdictional limits of the court.

V. VENUE

5.1 This suite is properly brought in Fort Bend County, Texas, pursuant to Tex. Civ. PRAC. & REM. C §§ 15.002(a)(1) & 15.003 (a) because all or substantial part of the events or omissions giving rise to the claim occurred in Fort Bend County, Texas.

VI. FACTS

6.1 Plaintiff bought the portable basketball system called "Spalding 54 inch Acrylic Portable Basketball System" on June 08th 2015 from Academy Sports and Outdoor located at 2320 Highway 6 HOUSTON,TX 77077 and self-assembled the hoop precisely following the steps illustrated in the manual that came with the system. On February 06th 2016, minor Plaintiff Rayyan Nawaid Isa was playing under the system on his driveway when, suddenly, the heavy metal rim fell on his face severely damaging his jaw, front teeth and gum. Plaintiff was lucky that the rim did not fall on his head that could have resulted in major head injuries including death.

VII. NEGLIGENCE AND DESIGN DEFECT

7.1 Defendants, Fruit of the Loom, Inc., Russell Brands, LLC, American Athletic, Inc. and Spalding were negligent in the manufacture and design and marketing of the basketball goal in question and such negligence was the proximate cause of Plaintiff's injuries and damages.

7.2 Defendant, ACADEMY, was negligent in the sale of the basketball system in question

7.3 Following page that shows a picture of page 25 of the installation manual that came with the basketball system, explains how to attach the heavy metal "Slam Jam Rim" to the backboard. Please notice that the "nut 54" is the only fastener that is used to hold the rim in position with the backboard. This nut is subject to tremendous pressure from the "spring 53" without any protection from self-loosening of the nut that can withstand the constant pressure from the spring. Naturally, the nut 54, giving into the pressure of the spring force loosened over time and came to a point where it completely fell off without warning. There is no warning in the manual to the effect that the rim has a potential of coming down due to the pressure from the spring and/or self-loosening of the nut (54).

9. Install Slam Jam Rim to Backboard

A. Fit rim (22) securely into bracket (50) as shown. Allow T-bolt (51) to slip through center hole in rim (22).

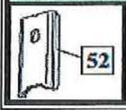
B. Install reinforcement bracket (52) onto T-bolt (51) as shown.

C. Install spring (53) onto T-bolt (51) as shown.

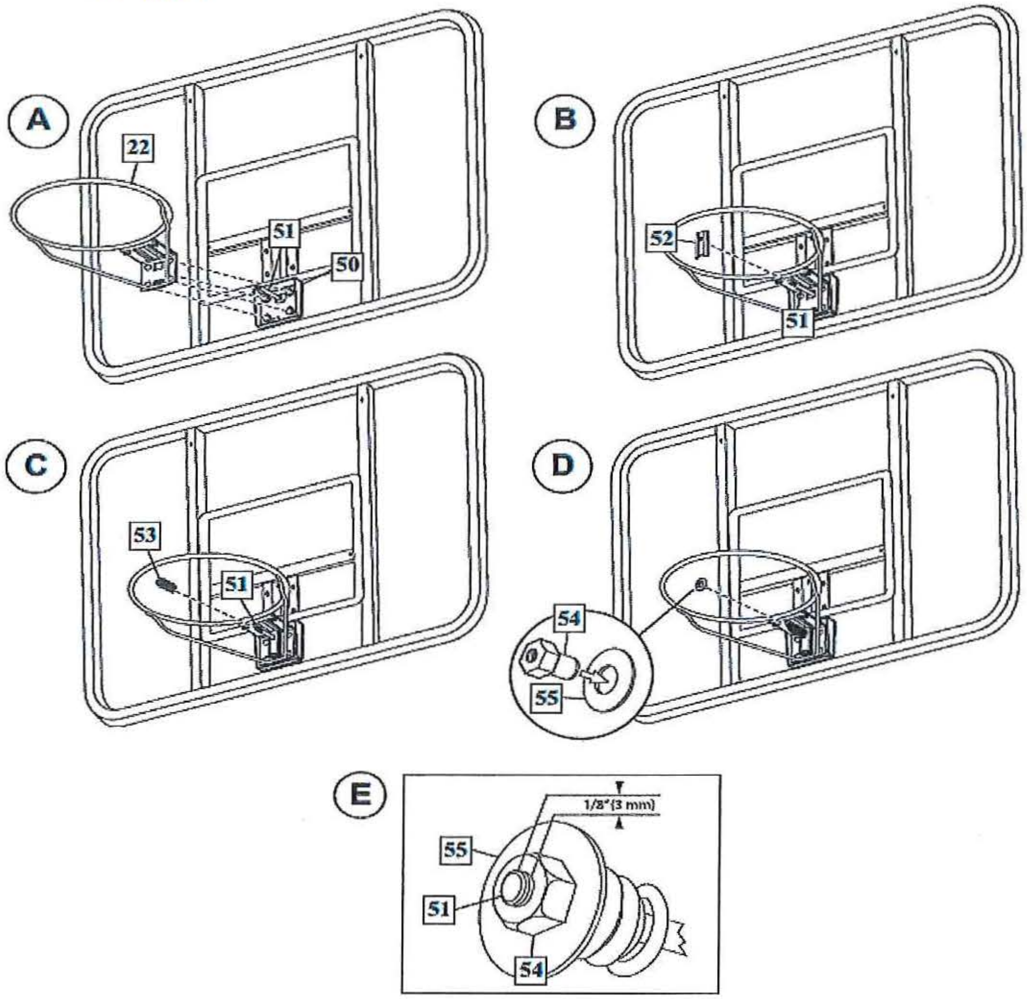
D. Install special nut (54) and washer (55) onto T-bolt (51).

E. Tighten nut (54) until 1/8" of the bolt threads on end of T-bolt (51) are exposed.

NOTE:



Orientation of bracket.



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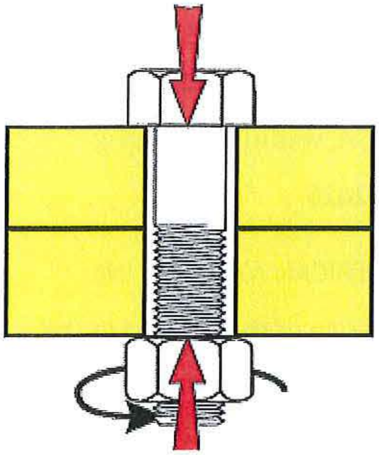
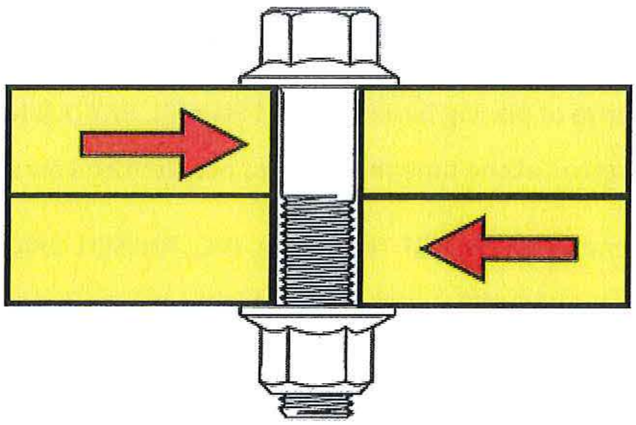
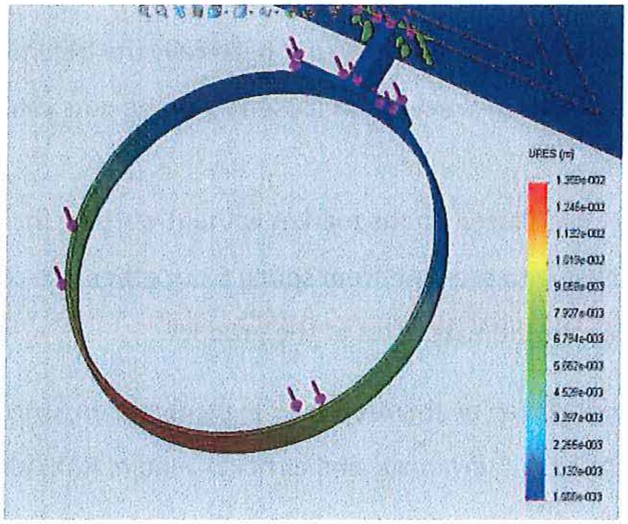
7.4 Spring (53) produces vibratory load on the rim and on nut (54) while playing. Kids and ball generally touch the rim from all possible direction subjecting the rim to vibratory loading, transverse loading and dynamic axial loading. A very basic engineering stress analysis will reveal how a nut such as "nut (54)" shown above will perform under normal playing condition of the portable system in question and how it will be subject to all possible loading mentioned above. The most famous and widely available test called "Junker Test"[1] could have been used by the manufacturers of the system to determine the point at which a bolted joint loses its preload when subjected to shear loading caused by transverse vibration. Arrows shown in following pictures may provide an understanding of the load on fastener such as "nut (54)" under normal playing condition:







7.5 Many researchers and engineers have reported the reasons of this self-loosening of the nuts such as nut (54) in this case. A German engineer, Gerhard Junker, for example, as early

[1] http://www.boltscience.com/pages/junkertestvideo.htm

as in 1969 reported on a theory he developed as to why fasteners self-loosen under vibratory loading. Junker found that transverse dynamic loads generate a far more severe condition for self- loosening than dynamic axial loads[2].

VIII. PRODUCT LIABILITY

8.1 Plaintiff, RAYYAN NAWAID ISA, was injured while using this product according to the instructions that came with it and in the manner intended and foreseen by the Defendants. The product in question was sold to be utilized as a portable basketball hoop at a residential home. The product is designed to be used in the driveway of a residential home for the purpose of playing basketball and Plaintiff, RAYYAN NAWAID ISA, was in fact playing basketball at the time this incident occurred on February 6th, 2016.

8.2 Defendants, FRUIT OF THE LOOM, INC., RUSSELL BRANDS, AMERICAN ATHLETIC, INC., and/or SPALDING, were negligent in the manufacturing and design of the product in the following respects:

8.2.1 The defendant manufacturers were negligent in failing to design the product so that it could be safely installed in a manner that would ensure that the "Slam Jam Rim" could only be attached so that it would not fall, break or otherwise come apart causing it to fall and strike the ultimate users of the product. Specifically the Defendants failed to utilize several mechanisms available to prevent self-loosening of the nuts subject to similar loads.

8.2.2 The product was placed on the market without warning the users that the nut could come off or break due to pressure from spring 53 or otherwise come apart causing the rim to fall and strike the ultimate users of the product.

8.3 These acts and omissions, taken by themselves or in combination, were a proximate cause of the Plaintiffs, NAWAID ISA, Individually and as next friend of RAYYAN NAWAID ISA'S injuries and damages.

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[2] http://www.boltscience.com/pages/Why_nuts_and_bolts_can_self-loosen.pdf

8.4 Plaintiffs cannot more specifically allege the acts of negligent manufacture or design on the part of Defendant FRUIT OF THE LOOM, INC., RUSSELL BRANDS, AMERICAN ATHLETIC, INC., and/or SPALDING, because facts in that regard are within the knowledge of that Defendants. In the alternative, in the event Plaintiffs are unable to prove specific acts of negligent design or manufacture, plaintiff relies on the doctrine of res ipsa loquitur. In this connection, Plaintiffs will show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and that the design and manufacturing of the basketball system was within the exclusive control of Defendants, FRUIT OF THE LOOM, INC., RUSSELL BRANDS, AMERICAN ATHLETIC, INC., and/or SPALDING, at the time the negligence probably occurred. Plaintiffs had no means of ascertaining the method or manner in which the product was designed and manufactured, and it came into plaintiff's possession in the same condition it was in when it left the control of Defendant, FRUIT OF THE LOOM, INC., RUSSELL BRANDS, AMERICAN ATHLETIC, INC., and/or SPALDING. Thus, Defendants, FRUIT OF THE LOOM, INC., RUSSELL BRANDS, AMERICAN ATHLETIC, INC., and/or SPALDING, were negligent in the design and/or in the manufacture of the basketball goal, which negligence were a proximate cause of the injuries and damages sustained by Plaintiffs.

8.5 The minor Plaintiff sustained serious personal injuries when the heavy "Slam Jam Rim" fell on his face severely and permanently damaging at least 4 of his front teeth and his jaw. Doctors and dentist are trying to save one or all of these teeth by placing sprints, extra protections, performing surgeries and doing root canals on these teeth. Plaintiffs have incurred and continue to incur reasonable and necessary doctors and medical expenses in thousands of dollars. There is a reasonable probability that the minor Plaintiff will incur future expenses for medical care and attention. The minor Plaintiff has also suffered severe physical and mental pain, suffering and anguish, and, in all reasonable probability, will continue to suffer for a long time into the future.

8.6 By reason of all of the above, Plaintiffs have suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought. Pursuant to Tex. R. Civ. Proc. 47(c) Plaintiffs are seeking only monetary relief over $200 000.00 but not more than S1,000,000.00 including damages, of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees.

IX. REQUEST FOR DISCLOSURE

9.1 Under Texas Rule of Civil Procedure 194, plaintiffs request that defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

X. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs requests that Defendants be cited to appear and answer, and that on final trial, Plaintiffs have the following:

1. Judgment against defendants, jointly and severally, for the sum within the jurisdictional limits of the Court.
2. Pre-judgment interest as provided by law.
3. Award of exemplary damages against Defendants, in a sum determined by the trier of fact;
4. Post-judgment interest as provided by law;
5. Costs of suit; and
6. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully Submitted,

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Plaintiff